

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

PHILLIP J. HILE,	:	APPEAL NO. C-080452
		TRIAL NO. SP-0700020
Petitioner-Appellant,	:	
		<i>JUDGMENT ENTRY.</i>
vs.	:	
STATE OF OHIO,	:	
Respondent-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

In 2001, petitioner-appellant Phillip Hile pleaded guilty to and was convicted of sexual battery and attempted gross sexual imposition. He was adjudicated a sexually oriented offender. Under former R.C. Chapter 2950, Hile was required to annually register as a sexual offender for ten years.

In December 2007, Hile received a notice from the Ohio Attorney General stating that he had been reclassified under Am.Sub.S.B. No. 10 (“Senate Bill 10”) as a Tier III sex offender and that he was required to register with the local sheriff every 90 days for life. Hile filed an R.C. 2950.11(F)(2) motion for immediate relief from the community-notification provisions. The trial court ultimately granted Hile’s R.C. 2950.11(F)(2) motion, exempting him from community notification. Hile then filed an R.C. 2950.031(E) petition to contest his reclassification, challenging the

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

constitutionality of Senate Bill 10. After a hearing, the trial court overruled Hile's constitutional challenges to Senate Bill 10 and denied his petition.

Hile's sole assignment of error is overruled on the authority of *Sewell v. State*² in which we held that the retroactive application of Senate Bill 10's tier-classification and registration requirements does not violate the prohibition on retroactive laws contained in Section 28, Article II of the Ohio Constitution, the Ohio Constitution's Due Process Clause, the Double Jeopardy Clause of the Ohio Constitution, or the separation-of-powers doctrine.

Therefore, the judgment of the trial court is affirmed.

Further, a certified copy of this Judgment Entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., HILDEBRANDT and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on March 11, 2009
per order of the Court _____.
Presiding Judge

² 1st Dist. No. C-080503, 2009-Ohio-872.